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*In Propria Persona*

**UNITED STATES DISTRICT COURT FOR  
THE CENTRAL DISTRICT OF CALIFORNIA**

**WESTERN DIVISION**

**TODD R. G. HILL, et al,**

**Plaintiffs**

**vs.**

**THE BOARD OF DIRECTORS,  
OFFICERS AND AGENTS AND  
INDIVIDUALS OF THE PEOPLES  
COLLEGE OF LAW, et al.,**

**Defendants.**

**CIVIL ACTION NO. 2:23-cv-01298-JLS-BFM**

**The Hon. Josephine L. Staton**  
Courtroom 8A, 8th Floor

**Magistrate Judge Brianna Fuller Mircheff**  
Courtroom 780, 7th Floor

**[PROPOSED] PLAINTIFF'S RESPONSE TO  
DEFENDANTS' OPPOSITIONS TO  
PLAINTIFF'S NOTICE OF  
SUBMISSION OF PROPOSED  
FIFTH AMENDED COMPLAINT**

**NO ORAL ARGUMENT REQUESTED**

**PLAINTIFF'S RESPONSE TO DEFENDANTS' OPPOSITION TO PLAINTIFF'S NOTICE OF SUBMISSION  
OF PROPOSED FIFTH AMENDED COMPLAINT**

CASE 2:23-CV-01298-JLS-BFM

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**PLAINTIFF’S RESPONSE TO DEFENDANTS’ OPPOSITION TO PLAINTIFF’S NOTICE  
OF SUBMISSION OF PROPOSED FIFTH AMENDED COMPLAINT**

TO THE HONORABLE COURT AND ALL PARTIES OF RECORD:

Plaintiff respectfully submits this consolidated response to the oppositions filed by Defendant Spiro (Docket 319) and the Haight Defendants (Docket 321), both of which misstate the procedural posture, overlook the express invitation issued in Docket 311, and fail to engage meaningfully with the content and structure of the Proposed Fifth Amended Complaint (5AC). Defendants' failure to address the operative procedural context, their omission of the Court’s express directives at Docket 311, and their lack of engagement with the content and structure of the proposed Fifth Amended Complaint (5AC) reinforce that their objections are tactical and not grounded in Fed. R. Civ. P. 15 or controlling case law.

Plaintiff has not circumvented any judicial ruling. The submission of the 5AC followed the Court’s explicit invitation at Docket 311 and was made with full transparency, including a redline, declaration, and procedural notice. Defendant Spiro’s assertion of a never-ending cycle is rhetorical and unfounded in the record, which demonstrates that each amendment was rooted in specific procedural developments, court orders, or newly obtained evidence. Plaintiff’s corrected submission merely resolved technical and formatting issues from the initial EDSS submission. It is common and responsible for litigants to promptly clarify minor issues to aid the Court’s review. This practice reflects diligence, not abuse.

Plaintiff’s use of incorporation is legally permissible and tailored to avoid redundancy. The 5AC does not repeat the prior structure criticized by the Court. Instead, incorporation is used judiciously and with specificity to support legally distinct causes of action arising from overlapping facts, particularly appropriate in RICO and § 1983 contexts. Defendant objections in Docket’s 319

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**PLAINTIFF’S RESPONSE TO DEFENDANTS’ OPPOSITION TO PLAINTIFF’S NOTICE OF SUBMISSION  
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1 and 321 ignore both precedent and the structural revisions made in the 5AC and clearly identified in  
2 the corresponding redline.  
3

4 Accordingly, Defendants' objections, divorced from the record, detached from the Court's  
5 guidance and devoid of substantive engagement, should be recognized for what they are: tactical  
6 maneuvers designed to avoid the merits and obstruct resolution, not principled arguments under Rule  
7 15.  
8

9  
10 **I. DEFENDANTS MISREPRESENT THE PROCEDURAL POSTURE AND BYPASS**  
11 **THE COURT'S EXPRESS INVITATION**

12 Defendants assert that Plaintiff attempted to "file" the 5AC without leave, yet make no  
13 mention of Plaintiff's preserved motion for leave under Rule 15(a)(2) or his Rule 59(e) supplement.  
14 They also conspicuously ignore the Court's in-chambers Minute Order at Docket 311, which  
15 explicitly invited Plaintiff to submit a redline version of the proposed amended complaint. Plaintiff  
16 complied precisely with that directive, supplementing with a signed declaration and clarification  
17 notice to ensure procedural transparency. Defendants' effort to portray Plaintiff's actions as improper  
18 thus depends on withholding from the Court a complete account of what transpired procedurally, a  
19 striking omission that undermines the credibility of their position.  
20  
21

22 The Fifth Amended Complaint ("5AC") was expressly tailored to comport with the Court's  
23 prior dismissal order and was submitted as a supplement to Plaintiff's Rule 59(e) motion to  
24 demonstrate both the curability of the claims and the impropriety of dismissal with prejudice. It was  
25 not a speculative or unsolicited filing, it was devised in good faith as a responsive pleading, directly  
26 addressing the critiques raised in Defendants' oppositions. The 5AC clarified factual allegations,  
27 streamlined the asserted causes of action, and incorporated newly confirmed evidence to rebut the  
28

1 assertion that further amendment would be futile. Its purpose was twofold: (1) to reinforce that  
2 Plaintiff had diligently cured any arguable deficiencies, and (2) to show that Defendants' objections,  
3 while aggressively framed, were ultimately non-fatal and did not justify precluding adjudication on  
4 the merits.  
5

## 6 7 **II. DISTINGUISHING AUTHORITY AND REAFFIRMING RULE 15 STANDARDS** 8 **FOR LEAVE TO AMEND**

9 Plaintiff respectfully distinguishes the cases cited by Defendants— *Owens v. Kaiser*  
10 *Foundation Health Plan, Inc.*, 244 F.3d 708 (9th Cir. 2001), *Salameh v. Tarsadia Hotel*, 726 F.3d  
11 1124 (9th Cir. 2013), *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048 (9th Cir. 2003) and  
12 *Jang v. Boston Scientific Scimed, Inc.*, 729 F.3d 357 (3d Cir. 2013), on both factual and  
13 procedural grounds. In *Owens* and *Salameh*, dismissal was affirmed only after plaintiffs ignored  
14 repeated judicial directives and failed to remedy core pleading deficiencies; here, by contrast,  
15 Plaintiff has acted diligently and in good faith, submitting a refined Fifth Amended Complaint  
16 (5AC) in response to procedural ambiguity and the Court's further invitation to clarify the record.  
17 The 5AC includes enhanced factual detail, delineates each defendant's role, and is accompanied  
18 by a sworn declaration and comprehensive redline. Unlike *Jang*, where proposed amendments  
19 were legally futile, Plaintiff's 5AC asserts plausible claims under RICO, 42 U.S.C. § 1983, and  
20 related theories with strengthened factual specificity and preserved evidentiary context.  
21 Moreover, *Eminence Capital*, binding in this Circuit, emphasizes that Rule 15's liberal  
22 amendment standard should be upheld unless delay, bad faith, prejudice, or futility is shown,  
23 none of which are present here. Importantly, Rule 15 imposes no numerical limit on amendments;  
24 the governing question is whether justice is served by allowing the amendment. Under the totality  
25 of the circumstances, Plaintiff's proposed amendment is appropriate, targeted, and justified.  
26  
27  
28

1                   **III. THE OPPOSITION’S “FUTILITY” ARGUMENT IS CONCLUSORY AND**  
2                   **DISREGARDS APPLICABLE STANDARDS**

3  
4                   Defendants label the proposed 5AC as “repetitive” and “futile” without addressing the actual  
5 modifications, clarifications, and additional factual content within the document. Under *Foman v.*  
6 *Davis*, 371 U.S. 178, 182 (1962), denial of leave to amend is only proper where the amendment is  
7 clearly futile as a matter of law. Here, the 5AC streamlines allegations, corrects captioning issues,  
8 updates factual assertions based on newly available records, and further separates individual roles  
9 across multiple causes of action, particularly in the RICO and civil rights claims. Rather than engage  
10 with these substantive improvements, Defendants simply recite boilerplate language about futility  
11 without connecting it to the operative standard or the actual text of the 5AC. That is not legal  
12 argument; it is evasion.  
13  
14

15                   **IV. THE CLAIM OF “UNINTELLIGIBILITY” IS REFUTED BY DEFENDANTS’**  
16                   **OWN CONDUCT**

17                   Defendants argue the 5AC is unintelligible yet simultaneously refer to its content in enough detail  
18 to argue against it. This contradiction is telling. They do not argue they were unable to identify  
19 specific claims or parties, nor do they assert that the complaint fails to provide sufficient notice under  
20 Rule 8. Instead, they rely on rhetoric, referring vaguely to “length” and “disorganization”, but ignore  
21 the fact that a side-by-side redline (Docket 318), declaration (Docket 315), and corrected clean  
22 version (Docket 317) were submitted precisely to aid their review. Indeed, Docket 321 makes no  
23 mention of these record-enhancing materials. That omission confirms that Defendants’ aim is not  
24 clarity but obstruction, hoping to trigger dismissal based on form rather than engage on the merits.  
25  
26

27                   In Docket 319, Defendant Spiro conflates page count with pleading quality. The 5AC reflects a  
28 more logically organized and legally streamlined complaint, consolidating claims, clarifying parties’

1 roles, and reducing redundancy through targeted incorporation. The core allegation section is only  
2 five pages longer, despite the inclusion of additional supporting material and narrowed claims.  
3

4 Spiro's argument invites form over substance.  
5

6 **V. DEFENDANTS IGNORE THE ABSENCE OF FINAL JUDGMENT AND THE**  
7 **TIMING OF PLAINTIFF'S REQUEST**

8 At no point do Defendants acknowledge that the 5AC was offered before a final judgment was  
9 entered or that Plaintiff's request to amend was pending and preserved under Rule 15(a)(2). That  
10 context is crucial. The Court has not dismissed the Fourth Amended Complaint (4AC) with prejudice,  
11 and Docket 311 left the door open for redline clarification. In this posture, the Ninth Circuit routinely  
12 favors amendment to cure even arguable deficiencies, particularly where, as here, no undue delay or  
13 bad faith exists, and the amendment is focused, targeted, and supported by record citations. The  
14 Defendants' omission of this context, and their failure to cite a single case applying Rule 15 to deny  
15 amendment under analogous circumstances, speaks volumes.  
16  
17

18 **VI. INCORPORATION BY REFERENCE IS APPROPRIATE AND PROPERLY**  
19 **APPLIED**  
20

21 Defendants' argument that Plaintiff's Fifth Amended Complaint improperly "incorporates by  
22 reference" prior allegations fails to acknowledge the judicially accepted use of incorporation for  
23 clarity and brevity, particularly in complex litigation. The Ninth Circuit has repeatedly recognized  
24 that incorporation of relevant factual allegations is permissible so long as it does not result in a  
25 complaint that is "argumentative, prolix, replete with redundancy, and largely irrelevant." *Hearns*  
26 *v. San Bernardino Police Dep't*, 530 F.3d 1124, 1131–32 (9th Cir. 2008).  
27  
28

1 Here, the 5AC’s use of incorporation is limited and targeted. Plaintiff identifies specific  
2 factual paragraphs, such as allegations relating to predicate acts under RICO, and explicitly states  
3 which are emphasized and why. This is neither “shotgun pleading” nor indiscriminate bundling; it  
4 is a methodical attempt to avoid redundancy while maintaining compliance with Fed. R. Civ. P. 8  
5 and Fed. R. Civ. P. 9(b). In fact, the 5AC’s incorporation clauses were redrafted to the specific  
6 “deficiencies” earlier claimed by the Defendants in their Fed. R. Civ. P. 12(b)(6) motions, to  
7 enhance clarity from prior iterations. Here, the complaint is structured such that each cause of  
8 action is tethered to individually named defendants where relevant. Defendants’ claim that this  
9 results in confusion is contradicted by their own capacity to identify the incorporated allegations,  
10 summarize them in opposition, and raise specific objections concisely, conduct that presupposes  
11 intelligibility.  
12

13  
14  
15 Moreover, Defendants misstate the governing law. Rule 8 does not forbid cross-referencing; it  
16 requires that a complaint contain a “short and plain statement”, not that it repeat each factual  
17 allegation verbatim under every cause of action. In fact, failure to incorporate by reference can be  
18 grounds for dismissal where factual predicates are omitted. See *Destfino v. Reiswig*, 630 F.3d  
19 952, 958 (9th Cir. 2011). Plaintiff’s complaint walks the required line: it is long because the facts  
20 are numerous, not because the structure is improper.  
21

22  
23 Accordingly, the 5AC’s incorporation language is neither abusive nor deficient; it is a legally  
24 sound and practical response to the Court’s prior directives and the complexity of the case.

25  
26 Incorporation in the 5AC serves to streamline presentation of complex factual allegations  
27 across interrelated claims, particularly in the RICO context, where a single scheme often  
28 implicates multiple actors and predicates. The law does not require the Plaintiff to repeat identical  
factual paragraphs in every cause of action merely to appease the Defendants’ preferred format.



1 As long as the allegations provide fair notice, and here they do, the complaint satisfies Rule 8 and  
2 survives any assertion of futility.  
3

4 **VII. DEFENDANTS' STRATEGY IS NOT TO STREAMLINE THE CASE, BUT TO**  
5 **AVOID DISCOVERY**

6 The nature of Defendants' objections—procedural rather than substantive, generic rather than  
7 specific—confirms their purpose: to avoid the scrutiny that discovery would invite. Haight's team  
8 neither disputes the plausibility of key factual assertions nor engages with the tailored structure of the  
9 5AC. Instead, they rely on the same boilerplate "futility" arguments that they would recycle no matter  
10 how the complaint is styled. That conduct is incompatible with the principles of judicial efficiency  
11 and fairness that Rule 15 is designed to uphold.  
12  
13

14 Plaintiff requests that the Court formally docket the earlier discussed EDSS-submitted Fifth  
15 Amended Complaint and associated filings.  
16

17 **VIII. CONCLUSION: LEAVE TO AMEND IS PROCEDURALLY AND EQUITABLY**  
18 **WARRANTED**

19 For the foregoing reasons, Plaintiff respectfully requests that the Court disregard Defendants'  
20 conclusory opposition and grant leave to amend. The proposed Fifth Amended Complaint was not  
21 filed by right, but submitted in full compliance with the case posture and subsequent Court directive  
22 at Docket 311, accompanied by a redline, a sworn declaration, and a preserved record notice.  
23 Defendants' objections misstate the procedural history, misconstrue the applicable legal standards  
24 under Rule 15, and fail to engage with the detailed revisions (essentially requested by them in their  
25 own oppositions) now reflected in the 5AC. This Court retains broad discretion to permit amendment,  
26 particularly where—as here—no final judgment has been entered, no undue delay or bad faith exists,  
27 and the amended pleading represents a meaningful effort to clarify and refine the issues for  
28

1 adjudication. Far from exhibiting futility or confusion, the 5AC reflects diligence, legal sufficiency,  
2 and procedural discipline. The interests of justice, judicial economy, and equitable resolution strongly  
3 favor granting leave to amend and proceeding to the merits.  
4

5  
6 Respectfully submitted,

7  
8 Dated: May 30, 2025

9  
10   
11

12  
13 **Todd R. G. Hill**  
14 **Plaintiff, In Propria Persona**  
15

16  
17 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**

18 The undersigned party certifies that this brief contains 2,004 words, which complies with the 7,000-  
19 word limit of L.R. 11-6.1.

20  
21 Respectfully submitted,

22   
23

24  
25 May 30, 2025  
26 Todd R.G. Hill  
27 Plaintiff, in Propria Persona  
28

**Plaintiff's Proof of Service**

This section confirms that all necessary documents will be properly served pursuant to L.R. 5-3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court and (2) all pro se parties who have been granted leave to file documents electronically in the case pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P. 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.

Respectfully submitted,



May 30, 2025  
Todd R.G. Hill  
Plaintiff, in Propria Persona